

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 22, 2016

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:30 p.m.

Members Present: Mayor Cathy Carlat; Vice Mayor Bridget Binsbacher; Councilmembers Jon Edwards, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Council Youth Liaison: Sam Owen.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Arendall, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Jennifer Stein, Office of Communications Director; Dawn Prince, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately ten members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. 2016/2017 Redistricting Process

Julie Arendall, Deputy City Manager, introduced City staff who will be managing the redistricting process. Ms. Arendall also introduced the consultants from Research Advisory Services who have been retained to ensure the City is in compliance with the Federal legal requirements of redistricting.

Rhonda Geriminsky, City Clerk, provided an overview of redistricting. Information included:

- Charter provision for six Council districts
- District boundaries to be adjusted to provide equal population in each district
 - After each decennial census in accordance with Federal Law
 - After each mid-decennial census in accordance with City Charter
- Population history based on census counts
- Map depicting current district boundaries based on 2010 census
- Population goals for new district boundaries

Ms. Arendall presented regarding redistricting criteria to be utilized in creating potential districts.

Information included:

- Federal criteria
 - Districts must be substantially equal in population
 - Political subdivisions prohibited from imposing any practice or procedure having the purpose or effect of denying or abridging any citizen's right to vote based on minority status
 - Districts must be contiguous
- Additional criteria Council may adopt
 - Districts to follow visible natural or man-made boundaries
 - Districts to observe boundaries of other political subdivisions
 - Maintain existing core of current districts
 - Preserve communities of interest
 - Districts should be compact

Ms. Arendall advised that the City of Peoria legally does not currently have any majority minority districts. Ms. Arendall explained that the Acacia District is the only district in range for designation as a majority minority district but falls short by both total population and voting age population standards.

Ms. Geriminsky continued the presentation regarding the redistricting process.

Information included:

- Council to adopt new Council district boundaries to be in effect for the 2018 election
- A two-step public process to assist Council is proposed
- Timeline of events to complete the redistricting process
- Public outreach
- Next steps

Discussion ensued regarding the mapping software that will be available to the public to draw maps outlining proposed district boundaries.

In response to questions from Council, Ms. Arendall advised that the public will be providing input only regarding proposed boundaries and that the final decision will be by majority vote of the City Council.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:52 p.m.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:01 p.m.

Following a moment of silent reflection, Council Youth Liaison Edwards led the Pledge of Allegiance.

Members Present: Mayor Cathy Carlat; Vice Mayor Bridget Binsbacher; Councilmembers Jon Edwards, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Council Youth Liaisons: Kaitlyn Edwards and Sam Owen.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Arendall, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Gary Bernard, Deputy Fire Chief; Andy Granger, Development and Engineering Director; Katie Gregory, Management and Budget Director; Chris Jacques, Planning and Community Development Director; Stuart Kent, Public Works Director; Laura Krause, Human Resources Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; Dawn Prince, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 30 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Presentation:

2. Mayor Carlat and Councilmember Patena presented Certificates of Appointment to the following newly appointed Board and Commission members who were appointed by Resolution at the November 1, 2016 City Council Meeting:

- Julia Smock, Arts Commission;
- Jessica Cotter, Judicial Selection Advisory Board; and
- Kenneth Krieger, Municipal Development Authority

Clerk's Note: Kenneth Krieger was not present to receive his certificate.

3. **Proclamation Recognizing November as "American Diabetes Month"**

Mayor Carlat read aloud a Proclamation declaring the month of November as American Diabetes Month.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Vice Mayor Binsbacher, seconded by Councilmember Hunt, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

4C. **Disposition of Absence**

Approved the absence of Council Youth Liaison Sam Owen and Council Youth Liaison Kaitlyn Edwards from the Regular City Council Meeting held on November 1, 2016.

5C. **Minutes**

Approved the October 18, 2016 Regular Meeting minutes.

6C. **Code Amendment, Zoning Ordinance, Chapter 14, Medical and Animal Clinic Parking**

Concurred with the Planning and Zoning Commission's recommendation to adopt **ORD. 2016-33**, amending Chapter 14 of the Peoria City Code (1977 Edition), by amending Article 14-23 "Parking and Loading Requirements" regarding Medical Clinics and Veterinarian Hospitals or Clinics (TA16-0005).

7C. **Grant, U.S. Department of Justice, Police Officer Position**

- (a) Accepted \$125,000 from the Community Oriented Policing Services Hiring Program Grant to be used by Peoria Police Department to add one new police officer position;
- (b) Approved a budget adjustment in an amount up to \$102,000 from the General Fund Contingency account to various Police Department accounts for ongoing costs;
- (c) Approved a budget authorization in the amount of \$4,830 from the Police Asset Forfeiture account for one-time funding; and
- (d) Authorized one new police officer position.

8C. **Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs**

- (a) Authorized the Fire-Medical Department to accept two grant awards in the total amount of \$58,500 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and
- (b) Approved a budget amendment in the amount of \$58,500 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

9C. **Intergovernmental Agreement, Maricopa County, Traffic Control Permit Fees**

Adopted **RES. 2016-122** approving an intergovernmental agreement with Maricopa County, implementing a cooperative agreement to waive traffic control permit fees under certain circumstances.

10C. **Memorandum of Understanding, Multiple Fire Departments and Fire Districts, Regional Grant, Virtual Incident Command Center**

Approved a Memorandum of Understanding with fifteen other Fire Departments and Districts through a regional grant allowing the Fire-Medical Department to apply and administer the grant and participate in Command Officer training at the Virtual Incident Command Center.

11C. **Investment Report, Quarter Ending September 30, 2016**

Reviewed and accepted the Investment Report as presented.

12C. **Final Fiscal Year 2016 Budget Amendments**

Approved the final FY 2016 Budget Amendments, which have no net fiscal impact to the city.

13C. **Right-of-Way License for Monument Sign, Pinnacle Peak Road and Lake Pleasant Parkway**

Adopted **RES. 2016-127** granting a license for the relocation and maintenance of a monument sign located at the southwest corner of Pinnacle Peak Road and Lake Pleasant Parkway.

14C. **Maintenance Improvement District No. 1187, 3 Olive Park, Olive Avenue and 103rd Avenue**

Re-approved the Petition for Formation and adopted **RES. 2015-133A** intention and ordering the formation of proposed Maintenance Improvement District No. 1187, 3 Olive Park, located at Olive Avenue and 103rd Avenue; and adopted **RES. 2015-134A** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency, previously approved by Council on January 5, 2016, Council Communication # 10C.

15C. **Deeds and Easements, Various Locations**

Adopted **RES. 2016-129** accepting Deeds and Easements for various Real Property interests acquired by the City.

16C. **Final Plat, Arrowhead Valley Retirement Community, 81st Avenue and Beardsley Road**

Approved the Final Plat of Arrowhead Valley Retirement Community, located at 81st Avenue and Beardsley Road, subject to stipulations.

17C. **Amended Final Plat, 3 Olive Park, Olive Avenue and 103rd Avenue**

Approved the Amended Final Plat of 3 Olive Park, located at Olive Avenue and 103rd Avenue, subject to stipulations.

REGULAR AGENDA

New Business:

18R. **Memorandum of Understanding, City of Peoria Police Supervisors**

Laura Krause, Human Resources Director, gave a brief presentation on the request for consideration of a Memorandum of Understanding (MOU) for the City of Peoria Police Supervisors (COPPS).

Information included:

- Negotiations process
- COPPS and City negotiators
- Summary of the negotiations
- Major components of the MOU

Sergeant Ed Bakke, COPPS representative, thanked the City's negotiators for a smooth and productive negotiation process.

Council expressed their appreciation to the negotiating team for their collaboration during the negotiations.

Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to approve the City of Peoria Police Supervisors Memorandum of Understanding in total for the period July 2017 through June 2021.

Upon vote, the motion carried unanimously 7 to 0.

19R. **Rezoning, Townley Park, Southwest Corner of 89th Avenue and Olive Avenue**

Chris Jacques, Planning and Community Development Director, presented on a request to rezone approximately 10.1 acres from General Agricultural to the Townley Park Planned Area Development. The proposed rezoning would allow for development of a 40-lot gated single-family residential community on the site, located at the southwest corner of 89th Avenue and Olive Avenue.

Information included:

- Site and area context
- Existing General Plan Land Use and zoning maps
- Conceptual development plan
- General Plan conformance
- Area compatibility
- Public outreach process
- Key findings

Discussion ensued regarding a determination that the traffic impact analysis did not warrant a traffic signal at the intersection of 89th Avenue and Olive Avenue.

In response to questions from Council, Mr. Jacques confirmed there would be no entrance to the development from Olive Avenue.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Binsbacher, to concur with the Planning and Zoning Commission's unanimous recommendation and adopt **ORD. 2016-32**, rezoning approximately 10.1 acres, from General Agricultural (AG) to the Townley Park Planned Area Development (PAD).

Upon vote, the motion carried unanimously 7 to 0.

20R. **Conditional Use Permit Appeal, Medical Marijuana Dispensary, Southwest Corner 91st Avenue and Olive Avenue (CU16-0009)**

Steve Burg, Acting City Attorney, explained the Council's role in the appeal process concerning Conditional Use Permits.

Mr. Burg further explained that in accordance with State law, medical marijuana dispensaries cannot be prohibited in the City.

Chris Jacques, Planning and Community Development Director, presented regarding an appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit for a medical marijuana dispensary to be located at the southwest corner of 91st Avenue and Olive Avenue.

Information included:

- Background on the Medical Marijuana Act passed by Arizona voters in 2010
- Distribution of dispensary and cultivation certificates
- City of Peoria zoning regulations regarding medical marijuana dispensaries
- Summary of the Conditional Use Permit request for the dispensary
- Project details and analysis
- Conceptual development plan
- Operational details
- Public outreach
- Appeal process
- Conditional Use Permit decision criteria
- Findings and recommendation

Councilmember Leone voiced his opposition of three medical marijuana dispensaries to be located within a two-mile radius in the Pine District.

Discussion ensued regarding:

- Decision criteria for granting a Conditional Use Permit
- Appeal process not subject to public vote
- Written findings setting forth the basis for reversal or modification under the adopted criteria

L. Edward Judice, the applicant, advised the Council he was available to answer any questions they may have.

Ryan Hurley, Attorney at Law with Rose Law Group, addressed Council on behalf of the applicant. Mr. Hurley stated that the Conditional Use Permit application meets all of the requirements of the Zoning Code. Mr. Hurley emphasized there would be no growing or consumption of products on-site. Mr. Hurley summarized the applicant's contributions to charities and the community.

Freida Busaid, a resident of the Pine District, addressed Council in opposition of three medical marijuana dispensaries to be located within a two-mile radius in the Pine District.

Motion was made by Councilmember Patena, seconded by Councilmember Hunt, to affirm the Planning and Zoning Commission's decision to approve a Conditional Use Permit for a medical marijuana dispensary located at the southwest corner of 91st Avenue and Olive.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

21R. **Conditional Use Permit Appeal, Saguaro Sky Medical Marijuana Dispensary, 91st Avenue and Northern Avenue (CU16-0015)**

Chris Jacques, Planning and Community Development Director, presented regarding an appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit for a medical marijuana dispensary to be located at 9240 West Northern Avenue.

Information included:

- Summary of the Conditional Use Permit request for the dispensary
- Project details and analysis
- Operational details
- Public outreach
- Appeal process
- Conditional Use Permit decision criteria
- Findings and recommendation

In response to questions from Council, Mr. Jacques confirmed that the Council's decision cannot be based on the number of dispensaries to be located within a two-mile radius, nor can the decision be based on the dispensaries being located within one Council District.

Motion was made by Councilmember Patena, seconded by Vice Mayor Binsbacher, to affirm the Planning and Zoning Commission's decision to approve a Conditional Use Permit for Saguaro Sky Medical Marijuana Dispensary located at 9240 West Northern Avenue, Suite 103A.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

22R. **Transition of Temporary Water Rates Pertaining to New River Utility Company Acquisition**

Katie Gregory, Management and Budget Director, presented regarding a request to transition current New River Utility System water rates and fees to the current City water rates.

Information included:

- Timeline of the New River Utility Company (NRUC) acquisition
- System overview
- System improvements
- Estimated annual costs to the average residential customer
- Offset of Central Arizona Groundwater Replenishment District assessments
- Communications plan for customers previously served by NRUC

In response to questions from Council, Ms. Gregory advised that customers affected by the new rates can contact Customer Service to address any concerns they may have.

Motion was made by Councilmember Edwards, seconded by Councilmember Finn, to approve **RES. 2016-128** to transition current New River Utility System water rates and fees to the current City water rates effective December 31, 2016.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting “no”.

Clerk’s Note: Agenda Items 23C and 24C were voted on separately by the Vistancia West Community Facilities District Board. The legal actions for these items will be reflected separately in the November 22, 2016 Vistancia West Community Facilities District Board minutes.

Call To The Public (Non-Agenda Items)

Cassidy Gatrost, a student at Raymond S. Kellis High School, expressed her gratitude to Councilmember Leone and City staff for the immediate response to her message regarding inappropriate campaign signage near Cotton Boll Elementary School.

Freida Busaid, a resident of the Pine District, provided photographs depicting substandard repairs to the streets in Sun Air Estates. Ms. Busaid advised the Council that she has spoken with Stuart Kent, Public Works Director; and he will be investigating the matter.

Reports from City Manager:

25. **Council Calendar**

26. **Reports**

A. **2017 Council Meeting Calendar**

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the 2017 Council Meeting Calendar.

B. Employee Awards from TASER/Axon and PoliceOne

Roy Minter, Police Chief, announced that Lieutenant Anthony Wolfe was the recipient of the 2016 RISE Award for Law Enforcement Leadership from TASER/Axon and Police One.

C. Trip Reduction Program Award

Stuart Kent, Public Works Director, informed Council that the City of Peoria received the Maricopa County Outstanding Trip Reduction Program More than 500 Employees – Public Employer Award at the 29th Annual Clean Air Campaign Awards Luncheon on November 1, 2016.

Reports from City Council:

Council Youth Liaison Edwards reported on the Youth Advisory Board's Lunch with a Councilmember event held at Liberty High School. Ms. Edwards extended her wishes to everyone for a Happy Thanksgiving.

Councilmember Patena reported on his attendance at the dedication of the Veterans Memorial Wall at the Rio Vista Recreation Center and the Diversity Committee's event honoring veterans employed by the City of Peoria. Councilmember Patena congratulated Lieutenant Wolfe and the Public Works Department for the awards they received. Councilmember Patena wished everyone a Happy Thanksgiving.

Councilmember Edwards reported on his attendance at the Friends of the Public Library Book Sale. Councilmember Edwards also reported on his attendance at an AZ ASSIST West Valley Meeting featuring Cynthia Macluskie, Vice President of the Autism Society of Greater Phoenix. Councilmember Edwards invited everyone to attend the Old Town Holiday Festival on Friday, December 2, 2016 beginning at 5:00 p.m. Councilmember Edwards volunteered to participate in the Youth Advisory Board's "pie a politician" charity fundraising event at the festival. Councilmember Edwards wished everyone a Happy Thanksgiving.

Vice Mayor Binsbacher reported on various community events honoring veterans. Vice Mayor Binsbacher commended Ms. Gatrost and asked that she continue to be a voice in the City.

Councilmember Finn congratulated Lieutenant Wolfe and the Trip Reduction Program for the awards they received. Councilmember Finn reported on the Parkfest! event held at Kiwanis Park on Saturday, November 19, 2016. Councilmember Finn offered his congratulations to Cari Bauer and the Centennial High School volleyball team for winning the State Championship. Councilmember Finn reported on his attendance, along with Councilmember Edwards, at the Lunch with a Councilmember event held at Centennial High School.

Councilmember Hunt reported on the birthday celebration for the Community Garden on November 16, 2016. Councilmember Hunt extended her gratitude to all of the volunteers and City staff for their role in the success of the garden. Councilmember Hunt thanked the West Valley Arts Council and the young artists who participated in the Gallery 37 apprenticeship program for the outstanding murals along Happy Valley Road. Councilmember Hunt invited residents to a chili cook-off and dodgeball tournament to be held on Washington Street in Old Town on Saturday, December 10, 2016. Councilmember Hunt reminded residents to attend the Old Town Holiday Festival on Friday, December 2, 2016. Councilmember Hunt wished everyone a Happy Thanksgiving.

Council Youth Liaison Owen reported that he also volunteered to participate in the Youth Advisory Board's charity fundraising event at the Old Town Holiday Festival.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:59 p.m.

Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 22nd day of November, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of January, 2017.

(Seal)

Rhonda Geriminsky, City Clerk